

02-0441  
August 26, 2002 Discovery Rulings

Notice is hereby given of the Administrative Law Judge's ("ALJ") rulings regarding specific discovery requests set forth below. Because it is unclear from the motions which particular discovery requests are in dispute, all of those specifically referenced in the motions are addressed. With regard to any claims of privilege, in light of the fact that the ALJ does not have the benefit of reviewing any of the documents for which a privilege is claimed and because the deadline in this matter does afford him the time to do so, the ALJ is forced to rely on the good faith of the parties in properly identifying any documents containing privileged information.

In all instances in which the production of information and/or documents is compelled, such documents and/or information must be received by the requesting party by 2:00 PM, August 27, 2002.

**SANTANNA NATURAL GAS CORPORATION'S MOTION TO COMPEL CITIZEN  
UTILITY BOARD TO RESPOND TO DISCOVERY REQUESTS**

**Santanna's Data Requests**

DR Nos. 3 and 4

Motion denied to the extent that the DRs request information protected by attorney work-product privilege. To the extent that such privileged communications exist, CUB shall submit a description of the nature of the communications if it has not already done so in compliance with Supreme Court Rule 201(n). To the extent that any other communications exists and are not privileged, CUB shall identify and produce them.

DR No. 5

Motion granted. CUB has not sufficiently defended its claim of attorney work-product privilege. To the extent that it has not already done so and to the extent that the requested information exists, CUB shall identify oral and written communications between it and Nicor and produce related documents.

DR Nos. 6 and 7

Motion denied. CUB did not claim the attorney work-product privilege in its responses to the DRs as alleged by Santanna. Based on CUB's responses to the DRs, there is no reason to believe that Santanna does not already possess the information it seeks in the DRs.

DR No. 14

Motion granted. CUB has not sufficiently defended its claim of attorney work-product privilege. If it has not already done so, CUB must generally describe for Santanna its investigative and verification procedures, if any, relating to complaints it received about Santanna.

DR No. 15

Motion denied. CUB did not claim the attorney work-product privilege in its response to the DR, as alleged by Santanna. Nor is there any reason to believe that CUB's response to the DR is not full and complete.

DR No. 17

Motion denied. CUB did not claim the attorney work-product privilege in its response to the DR, as alleged by Santanna. The DR is also overly broad.

DR Nos. 30 and 31

Motion denied. CUB's August 19, 2002 letter to Santanna counsel and August 26, 2002 response to Santanna's motion to compel are responsive to the DRs.

DR Nos. 37 and 38

In its motion, Santanna speaks of CUB's failure to provide Mr. Kolata's curriculum vitae. CUB shall provide Mr. Kolata's curriculum vitae.

### **Santanna's Requests for Admissions**

The disputed requests for admissions are moot at this point in this proceeding given the fact that Santanna is generally aware, via its receipt of CUB's pre-filed testimony, of the issues which CUB intends to raise in this proceeding.

## **SANTANNA NATURAL GAS CORPORATION'S MOTION TO COMPEL THE ATTORNEY GENERAL TO RESPOND TO DISCOVERY REQUESTS**

### **Santanna's Data Requests**

DR No. 1

Motion denied because DR is overly broad regardless of any claimed privilege.

DR Nos. 2 and 3

Motion denied to the extent that the DRs request information protected by attorney work-product privilege. To the extent that such privileged communications exist, the AG shall submit a description of the nature of the communications if it has not already done so in compliance with Supreme Court Rule 201(n). To the extent that any other communications exists and are not privileged, the AG shall identify and produce them.

DR Nos. 4, 5, and 6

Motion denied because the AG indicates that it has answered these DRs since the filing of the motion to compel.

DR No. 7

Motion denied because DR is overly broad regardless of any claimed privilege. Responses to other DRs suggest that Santanna already has some, if not all, of the requested information.

DR Nos. 15 and 16

Motion denied because the DRs are overly broad regardless of any claimed privilege.

DR No. 22

Motion granted. The AG has not sufficiently defended its claim that the information is protected from discovery.

DR Nos. 23 through 26

Motion denied because the DRs are overly broad and in some instances may seek information protected from discovery.

DR No. 27

Motion denied because the ALJ has no indication that the AG's response is in fact "non-responsive" as Santanna alleges. Nor does the ALJ have reason to believe that the AG possesses the information sought by Santanna since the AG denies, contrary to Santanna's assertions, "charging" Santanna with imposing early termination fees.

DR No. 28

Motion denied. The AG's response to the motion to compel is responsive to the DR.

DR No. 35

In its motion, Santanna speaks of the AG's failure to provide Mr. Hurley's curriculum vitae. Because in its response to the motion to compel the AG has committed to provide Mr. Hurley's curriculum vitae, the motion is denied.

DR Nos. 36 through 39

Motion denied because DRs are overly broad regardless of any claimed privilege.

### **Santanna's Requests for Admissions**

The disputed requests for admissions are moot at this point in this proceeding given the fact that Santanna is generally aware, via its receipt of the AG's pre-filed testimony, of the issues which the AG intends to raise in this proceeding.

### **MOTION TO COMPEL OF THE ATTORNEY GENERAL**

The AG's motion is granted in part. Santanna shall produce any existing lists of complaints, lists of complaint resolutions, and/or lists of complaints and resolutions such as those referenced in, but not limited to, SES ICC 206, whether created and/or possessed by it or an agent. Santanna shall also answer AG 1.19 through AG 1.22 regarding those residential customers that ceased being Santanna customers between July 1, 2002 and July 31, 2002.